

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

SHANNON LOIS LESTER-MUNCY,

Plaintiff,

v.

CIVIL CASE NO. 1:14-28804

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. No. 4). Magistrate Judge Tinsley submitted his Proposed Findings and Recommendation ("PF&R") to the court on February 29, 2016, in which he recommended that the district court grant plaintiff's motion for judgment on the pleadings, deny defendant's motion for judgment on the pleadings, reverse the final decision of the Commissioner, remand the case for further proceedings, and dismiss this matter from the court's docket.<sup>1</sup> (Doc. No. 14 at 12).

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<sup>1</sup> Both parties submitted briefs in support of their respective positions; the Magistrate Judge construed these briefs as motions for judgment on the pleadings.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Tinsley's PF&R. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

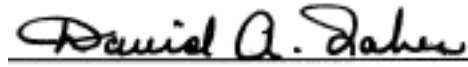
The parties failed to file any objections to the Magistrate Judge's PF&R within the seventeen-day period. Having reviewed the PF&R filed by Magistrate Judge Tinsley, the court adopts the findings and recommendation contained therein.

Accordingly, the court **ADOPTS** the factual and legal analysis contained within the PF&R, **GRANTS** plaintiff's motion for judgment on the pleadings, (Doc. No. 10), **DENIES** defendant's motion for judgment on the pleadings, (Doc. No. 13), **REVERSES** the final decision of the Commissioner, **REMANDS** the case for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

It is **SO ORDERED** this 18th day of March, 2016.

**ENTER:**

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge